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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,550	09/15/2003	Eric Cosatto	2000-0042Con	2283
7590		03/05/2007		
S. H. Dworetsky AT&T Corp. P.O. Box 4110 Middletown, NJ 07748			EXAMINER HAJNIK, DANIEL F	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 03/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/662,550

Applicant(s)

COSATTO ET AL.

Examiner

Daniel F. Hajnik

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The arguments filed 2/13/2007 (after final) have been entered. All applicant's arguments have been carefully considered and the examiner still maintains that the 35 USC 103(a) rejections of record are proper for the following reasons: In particular, applicant argues that one of ordinary skill in the art would not be motivated to combine Ezzat, Jiang, and Hon (pages 4-9 of filed remarks). In particular, applicant states that the Ezzat deals with visual speech synthesis while Jiang deals primarily with extraction information from existing images (pages 4-7). The examiner maintains that that the combination is proper because Jiang deals with more than just extraction of image information. For example, in the abstract, Jiang states that a cloned head is created from the extraction of the user's own images which is in a fundamental sense visual speech synthesis. The mere fact, that 95% of the reference deals with image extraction does not change the fact that the reference directly teaches of image synthesis as well. Further, this synthesized clone head is created to show the correct and wrong ways of pronunciation (see abstract) where showing pronunciation can include visual speech synthesis. Further, the reference of Ezzat deals with a "facial animation module" (see figure 1 where it shows "video" and figure 2, facial images, and section 3, the facial model). Further, both references deal with visual speech analysis (see abstract of Jiang and middle of 1st col on page 49 of Ezzat where the reference refers to finding a one-to-many relationship for phonemes to visemes. Due to the similarities between the references and motivation provided, the examiner feels it is reasonable to expect that one of ordinary skill in the art would be motivated to combine features of each reference to form the combination as stated in the final office action. Further, applicant argues that the reference of Hon does not teach that a longest possible candidate image sample is selected (top of page 8). The examiner maintains that the candidate samples are the selection of sequential strings of unit instances (as discussed at the bottom of the 2nd col on page 295 of Hon). It would have been obvious for Image samples to be applied to this process of Hon as well because the rejection relies on the combination of references. The concept of picking the longest candidate sample can be applied to image samples because the reference of Ezzat forms a correspondence between the phoneme and visemes. One instance where Ezzat teaches of this correspondence is towards the bottom of the 1st col on page 27, where it states "One single image for each phoneme is subsequently identified and manually extracted from the corpus sequence. In this work, we use the term viseme to denote the lip image extracted for each phoneme". Thus, the examiner maintains that the 35 USC 103(a) rejection using these references is proper. Further, applicant requests further clarification of the mention of brand in the rejection of claims 22-25, 27, 29-32, and 34 (top of page 8 of remarks). After reviewing the office action and the case, it appears that the two sentences referring to Brand on page 4 of the office action are a typo and not intended to be presented in this particular rejection. Nevertheless, these two sentences refer to supportive reasons for combining Brand with Jiang and are not directly used to support the rejection of the claim language for these claims. Thus, the grounds of the rejection will still remain the same for these claims. The rejection of claims 22-25, 27, 29-32 are intended to rely upon Ezzat, Jiang, and Hon only.